

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF WISCONSIN

In re:	)	
	)	Case No. 13-33118-gmh
TOYA JONES,	)	Chapter 13
	)	
Debtor.	)	

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**NOTICE AND REQUEST TO MODIFY CHAPTER 13 PLAN**

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Toya Jones has filed papers with the court requesting modification of the Chapter 13 Plan in the above case.

**Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)**

If you do not want the court to modify the plan as proposed, or if you want the court to consider your views on the request, then on or before 21 days after service of this notice, you or your attorney must:

File with the court a written request for hearing which shall contain a short and plain statement of the factual and legal basis for the objection. File your written request at:

Clerk of Bankruptcy Court  
517 E. Wisconsin Avenue, Room 126  
Milwaukee, WI 53202-4581

If you mail your request to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above.

You must also mail a copy to:

Nathan E. DeLadurantey  
DeLadurantey Law Office, LLC  
735 W. Wisconsin Avenue, Suite 720  
Milwaukee, WI 53233

If you or your attorney does not take these steps, the court may decide that you do not oppose the request and may enter an order modifying the Plan.

### REQUEST TO MODIFY CHAPTER 13 PLAN

1. The Proponent of this modification is:
  - A.   X   the Debtor;
  - B.        the Chapter 13 Trustee (post-confirmation modifications only);
  - C.        the holder of an unsecured claim (Name:) (post-confirmation only).
2. This is a request to modify a Chapter 13 Plan (Select A. or B.):
  - A.        post-confirmation;
  - B.   X   pre-confirmation (Select i. or ii.);
    - i.        Debtor(s)/Debtor(s) attorney certifies that the proposed modification does not materially adversely affect creditors (LBR 3015(b)); or
    - ii.   X   Debtor(s)/Debtor(s) attorney certifies that the proposed modification materially adversely affects only the following creditors and a copy of the proposed modification has been served on them (Local Bankruptcy Rule 3015(b)). The creditors affected are: all creditors (see attached creditor matrix).
3. The Proponent wishes to modify the Chapter 13 Plan to do the following:  
Disclose the terms of special counsel's compensation for representation in the debtor's claim against Capital One for wrongful repossession.
4. The reason(s) for the modification is/are: Further clarification of the terms of representation in the claim against Capital One for wrongful repossession.
5. Select A. or B.
  - A.        The Chapter 13 Plan confirmed or last modified on    is modified as follows:
  - B.   X   The unconfirmed Chapter 13 Plan dated November 2, 2013 is modified as follows:

**4 (B). Debtor's Attorney's Fees.** The total attorney fee as of the date of filing the petition is \$ 3,500.00. The amount of \$ 0.00 was paid prior to the filing of the case. The balance of \$ 3,500.00 will be paid through the plan. Pursuant to 507(a)(2) and 1326(b)(1), any tax refund submission received by the trustee will first be used to pay any balance of Debtor's Attorney's Fees.

**6(A)(ii)(a). Secured Claims – Full Payment of Debt Required:**

(a) Creditor	(b) Collateral	(c) Purchase Date	(d) Claim Amount	(e) Interest Rate	(f) Estimated Monthly Payment	(g) Estimated Total Paid Through Plan
Capital One Auto Finance	2012 Hyundai Sonata	3/2012	See Section 10(B)	See Section 10(B)	See Section 10(B)	See Section 10(B)

**6(B) Claims Secured by Real Property Which Debtor Intends to Retain**

The debtor does not have an interest in any real estate.

**10. Special Provisions.** Notwithstanding anything to the contrary set forth above, the Plan shall include the provisions set forth below.

(A) Attorneys' fees are to be paid at the rate of all available funds at confirmation. After confirmation, Attorney's fees shall be paid at one-half of available funds (less trustee fees) each month. If all secured claims have been paid in full, Attorneys are to receive all available funds (less trustee fees) each month until paid in full. Allowed Secured Creditors will receive post confirmation payments at the rate of one-half of all available funds (less trustee fees)

**(B) The Debtor shall file a state court action to address the lien held by Capital One on the 2012 Hyundai Sonata. The Debtor shall turn over to the Trustee the greater of one-half or the non-exempt portion of any proceeds received aside from release of the lien. Should the debtor owe remaining principle after the action has been resolved, she will file an amended plan to address any feasibility issues. The debtor has retained DeLadurantey Law Office to represent her in this action pursuant to a contingency fee arrangement. The terms of the compensation are to be one-third of any damages recovered from the defendant(s), along with any reasonable attorney fees and costs as recoverable from the defendant(s).**

All remaining terms and provisions of the Plan are unaffected unless specifically addressed herein. In the event of a conflict between the original Plan and the modification set forth above, the latter shall supersede and control.

**6. BY SIGNING BELOW THE PROPONENT OF THE MODIFICATION CERTIFIES THAT, AFTER REVIEW OF THE MODIFICATION AND ALL OTHER TERMS AND PROVISIONS OF THE PLAN, THOSE REMAINING TERMS AND**

**PROVISIONS OF THE PLAN ARE CONSISTENT WITH THE PROPOSED MODIFICATIONS.**

**CERTIFICATION**

I, Nathan E. DeLadurantey, attorney for debtor, Toya Jones, certify that I have reviewed the modification proposed above with the debtor, and that the debtor has authorized me to file it with the court.

/s/ Nathan E. DeLadurantey

\_\_\_\_\_  
Counsel for the debtors

February 26, 2014

\_\_\_\_\_  
Date

WHEREFORE, the Proponent requests that the court approve the modification to the Chapter 13 Plan as stated herein.

Dated: February 26, 2014.

DeLadurantey Law Office, LLC  
Attorneys for Debtor

/s/

\_\_\_\_\_  
By: Nathan E. DeLadurantey  
State Bar No. 1063937

Drafted by:  
Daniel T. Beasley  
SBN 1092029  
735 W Wisconsin Ave., Suite 720  
Milwaukee, WI 53233  
(414) 377-0515; Fax (414) 755-0860  
dan@de-la-law.com

A copy of the foregoing filed electronically on February 26, 2014 with:

Clerk, U.S. Bankruptcy Court  
517 East Wisconsin Avenue  
Milwaukee, WI 53202

Copies of the foregoing mailed or sent electronically  
if the party named accepts electronic service on February 26, 2014:

Office of the U.S. Trustee  
517 East Wisconsin Avenue, #430  
Milwaukee, WI 53202

Trustee Thomas J. King  
P.O. Box 3170  
Oshkosh, WI 54903-3170

The attached creditor matrix

/s/Caitlin York, Paralegal  
(Electronically file by)

Label Matrix for local noticing  
0757-2  
Case 13-33118-gmh  
Eastern District of Wisconsin  
Milwaukee  
Wed Feb 26 15:02:28 CST 2014  
  
(p)AMERICOLLECT INC  
PO BOX 2080  
MANITOWOC WI 54221-2080

Capital One Auto Finance  
c/o Cummisford, Acevedo & Associates  
6508 S. 27th St.  
Suite #6  
Oak Creek, WI 53154-1093  
  
Acs/bank Of America  
501 Bleecker St  
Utica, NY 13501-2401

ALTAIR OH XIII, LLC  
C O WEINSTEIN, PINSON, AND RILEY, PS  
2001 WESTERN AVENUE, STE 400  
SEATTLE, WA 98121-3132  
  
CAPITOL ONE  
PO BOX 5253  
CAROL STREAM, IL 60197-5253

CAPITOL ONE AUTO FINANCE  
3901 DALLAS PKWY  
PLANO, TX 75093-7864

CREDIT COLLECTION SERVICES  
PO BOX 9134  
NEEDHAM HEIGHTS, MA 02494-9134

CREDIT MANAGEMENT  
4200 INTERNATIONAL PKWY  
CARROLLTON, TX 75007-1912

CYBECOLLECT  
2350 SOUTH AVENUE  
LA CROSSE, WI 54601-6272

Capital 1 Bank  
Attn: Bankruptcy Dept.  
Po Box 30285  
Salt Lake City, UT 84130-0285

Capital One Auto Finance  
3905 N Dallas Pkwy  
Plano, TX 75093-7892

Capital One Auto Finance  
9441 LBJ Freeway, Suite 350  
Dallas, TX 75243-4652

Cnac/wi101  
Po Box 56  
Elm Grove, WI 53122-0056

Cybrcollect  
Po Box 1145  
La Crosse, WI 54602-1145

Dept Of Education/neln  
121 S 13th St  
Lincoln, NE 68508-1904

JOSEPH CIURRO  
131 SHEGER AVE  
OCONOMOWOC, WI 53066-1560

Joseph Ciurro  
131 Shegar Ave  
Oconomowoc, WI 53066

Kahuna Payment Solutions  
807 Arcadia Dr.  
Bloomington, IL 61704-6119

MILWAUKEE MUNICIPAL COURT  
951 N JAMES LOVELL ST.  
MILWAUKEE, WI 53233-1449

Milwaukee County Child Support Agency  
Courthouse, Rm. 101  
901 N. 9th St.  
Milwaukee, WI 53233-1425

Milwaukee Municipal Court  
951 N. James Lovell Street  
Milwaukee, WI 53233-1429

Monterey Financial Services  
PO Box 801638  
Kansas City, MO 64180-1638

Office of the U. S. Trustee  
517 East Wisconsin Ave.  
Room 430  
Milwaukee, WI 53202-4510

R&R Investments  
PO Box 250386  
Milwaukee, WI 53225-6504

SOURCE RECEIVABLES MANAGEMENT  
PO BOX 4068  
GREENSBORO, NC 27404-4068

Source Receivables Man  
4615 Dundas Dr Ste 102  
Greensboro, NC 27407-1761

(p)SPRINT NEXTEL CORRESPONDENCE  
ATTN BANKRUPTCY DEPT  
PO BOX 7949  
OVERLAND PARK KS 66207-0949

WE ENERGIES  
PO BOX 2046  
MILWAUKEE, WI 53201-2046

We Energies  
Attn Bankruptcy Dept. RM A130  
333 W Everett St  
Milwaukee WI 53290-0002

Wi Electric / Wi Energies  
Attention: Jill Costello  
Po Box 2046 Room A130  
Milwaukee, WI 53201-2046

Nathan E. DeLadurantey  
DeLadurantey Law Office  
735 W. Wisconsin Avenue  
Suite 720  
Milwaukee, WI 53233-2413

Thomas J. King  
P.O. Box 3170  
Oshkosh, WI 54903-3170

Toya S Jones  
3740 W Clinton Ave  
Milwaukee, WI 53209-1941

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified  
by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

AMERICOLLECT INC  
1851 S ALVERNO RD  
MANITOWOC, WI 54220

(d)Americollect  
Attn: Bankruptcy  
Po Box 1566  
Manitowoc, WI 54221

Sprint Nextel  
Attn Bankruptcy Dept  
PO Box 7949  
Overland Park KS 66207-0949

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(d)Credit Collection Services  
PO Box 9134  
Needham Heights, MA 02494-9134

(d)Credit Management  
4200 International Pkwy  
Carrollton, TX 75007-1912

End of Label Matrix	
Mailable recipients	33
Bypassed recipients	2
Total	35